



UNITED STATES
PATENT AND
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY CA 94704-0778

In re Application of
Sergey A. Selifonov et al
Serial No.: 09/539,486
Filed: March 30, 2000
Attorney Docket No.: 0124.510US

WITHDRAWAL OF ABANDONMENT

This is in response to the petition under 37 CFR 1.181, filed August 20, 2002, requesting withdrawal of the holding of abandonment of the above identified application.

A review of the file history shows that the examiner mailed a Final Office action to applicants' previous attorney of record on December 4, 2001, setting a three month shortened statutory period for reply. On September 10, 2002, the examiner mailed a Notice of Abandonment to applicants indicating no reply had been received. Applicants actually filed this petition prior to the date of mailing of the Notice of Abandonment in view of a telephone interview with the examiner in July. Applicants' previous attorney states that the Office action was not received, however fails to provide the evidence required by M.P.E.P. 711.03(c) - copies of docket records where the missing Office action would have been entered, if received. In view of the missing evidence the petition cannot be granted.

Applicants' petition is **DISMISSED**. Any renewed petition supplying the missing evidence must be filed within TWO MONTHS of the mailing date of this decision in order to be considered timely.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, Washington, DC 20231, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230


John Doll
Director, Technology Center 1600